



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**COCOA PERMITS SECTION**  
**400 HIGH POINT DRIVE, SUITE 600**  
**COCOA, FLORIDA 32926**

**March 5, 2009**

Cocoa Permits Section  
SAJ-2005-6674 (IP-AWP)  
**MODIFICATION 3**

Florida Department of Transportation-District 5  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 34720

Dear Mr. Muench:

The U.S. Army Corps of Engineers has completed the review and evaluation of your modification request received March 3, 2009, in which you asked to modify Department of the Army permit number SAJ-2005-6674 (IP-AWP) to impact 0.05 acres of waters of the United States and 2.44 acres of jurisdictional surface waters to add a series of sound walls along the roadway corridor within the existing road right-of-way. The sound walls are located on the east side of Interstate 95 south of Eau Gallie Blvd., in Sections 22, 23, and 27, Township 27 South, Range 36 East, Brevard County, Florida.

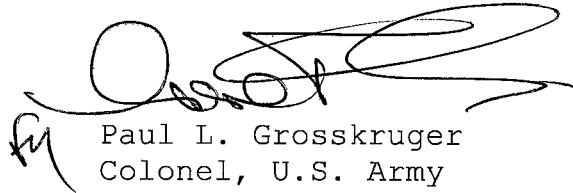
The impacts identified in your modification request have been reviewed and found to be insignificant. The permit is hereby modified in accordance with your request. You should attach this letter to the permit. All other conditions of the permit remain in full force and effect.

If you have any questions concerning permit modification, please contact the project manager Andrew Phillips at the letterhead address, by telephone at 321-504-3771 extension 14 or by electronic mail at [andrew.w.phillips@usace.army.mil](mailto:andrew.w.phillips@usace.army.mil).

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service

Survey: <http://regulatory.usacesurvey.com/>. Your input is appreciated - favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
Paul L. Grosskruger  
Colonel, U.S. Army  
District Commander

Enclosure

Copies Furnished:

CESAJ-RD-PE

CESAJ-RD-NC (1145b)  
SAJ-2005-6674(IP-AWP)  
Modification 3

**MEMORANDUM FOR RECORD**

SUBJECT: Supplement to the Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application.

**1. Applicant:** Florida Department of Transportation-District 5  
Attn: Patrick Muench  
719 South Woodland Blvd.  
DeLand, Florida 34720

**2. Reason for supplement:** The Corps previously authorized the addition of a series of sound walls along the roadway corridor within the existing road right-of-way resulting in impacts to 0.05 acres of waters of the United States. The contractor determined that the location of the existing surface water would hamper installation and requested the widening of the existing surface water to a bottom width of 25 feet. Total impacts to the surface water will be 2.44 acres. The excavation will increase the drainage capacity of the surface water as well as expand waters of the United States. The sound walls are located on the east side of Interstate 95 south of Eau Gallie Blvd.

**3. Original Authorized Project:** The placement of fill in 39.43 acres of U.S. Army Corps of Engineers (Corps) jurisdictional wetlands and 10.88 acres of jurisdictional surface waters for the widening of I-95 from SR-514 to SR-528 for the expansion of the existing four-lane roadway to a six-lane roadway with the associated stormwater management facilities.

A modification was authorized which allowed for a redesign of the project. The redesign utilizes concrete pavement which reduced the amount impervious surface needed which in-turn reduced impacts to jurisdictional surface waters by 6.94 acres.

**4. Endangered Species:** The Corps of Engineers determined that the proposed modification will have no impacts to federally listed species. The modification will increase surface waters providing more foraging habitat for the endangered wood stork.

**5. Essential Fish Habitat (EFH):** The Corps of Engineers determined that the proposed modification will have no impacts to EFH.

CESAJ-RD-NC SAJ-2005-6674(IP-AWP)

**SUBJECT:** Supplement to Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application.

**6. Mitigation:** No additional mitigation will be required for the proposed modification.

**7. Special Conditions:** No special conditions are required with the issues of the proposed modification.

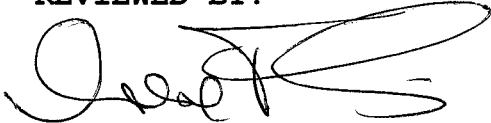
**8. Determination:** I have reviewed all the pertinent information and have concluded that the determinations of the permit evaluation are still valid and there have been no significant changes in the circumstances surrounding this permit since the final determination was made. Therefore, the conclusion that the permit is not contrary to the public interest, that it complies with the 404(b)(1) Guidelines, and that an Environmental Impact Statement is not required is still valid.

**PREPARED BY:**



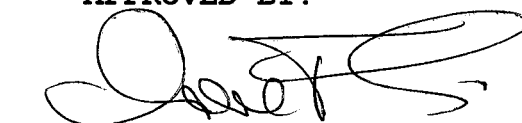
**Andrew W. Phillips**  
Project Manager

**REVIEWED BY:**



**Irene F. Sadowski**  
Chief, Cocoa Permits Section

**APPROVED BY:**



**Paul L. Grosskruger**  
Colonel, U.S. Army  
District Commander

Applicant: FDOT		File Number: SAJ-2005-6674	Date: 3/5/09
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
X	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL & OBJECTIONS TO AN INITIAL DETERMINATION**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:

**Project Manager as noted in letter**

If you only have questions regarding the appeal process you may also contact:

**Michael F. Bell  
404-562-5137**

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number: